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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/591,171

08/30/2006

Hideo Hashimoto

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EXAMINER

WALDBAUM, SAMUEL A

ART UNIT

PAPER NUMBER

1792

NOTIFICATION DATE

DELIVERY MODE

03/27/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary	Application No. 10/591,171	Applicant(s) HASHIMOTO, HIDEO	
	Examiner SAMUEL A. WALDBAUM	Art Unit 1792	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4, 5, 8-15 is/are pending in the application.
- 4a) Of the above claim(s) 10-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4, 5, 8 and 9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. In the reply filed December 24, 2008, the applicant has amended claims 1, 2, 4, 5, 8 and 9, cancelled claims 3, 6 and 7, added claims 10-15, amended the specification. The previous rejection is hereby withdrawn in favor of the new rejection found below.

Election/Restrictions

2. Restriction is required under 35 U.S.C 121 and 372.
3. This application contains the following inventions which are not so linked as to form a single inventive concept under PCT Rule 13.1
4. Group 1, claims 1, 2, 4, 5, 8 and 9 drawn to the method of washing clothes.
5. Group 2, claims 10-15 are drawn to a washing machine who has drum of a particular design.
6. The special technical feature linking groups 1 and 2 is that they all contain a outer casing, a horizontal drum basket, where the basket has a plurality of protrusion extending in the axial direction and where washing is occurring within the basket, which does not provide contribution of the prior art as evidenced by the reference Eilesrsgaard (U.S. 2591,143).
7. Newly submitted claims 10-15 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: See above about the lack of unity because the linking special technical feature does not provide a contribution over the cited prior art

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution

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on the merits. Accordingly, claims 10-15 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Specification

8. The amendment filed December 24, 2008 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: (page 6, lines 3-18) that the laundry article floats while being kept expanded in the cleaning liquid, (pages 7-8) where the wave pattern affects the wash water while the drum is rotate, where previous it required a certain speed of rotation, thus broadening the language, (pages 27-28) changes an embodiment to an example and states that the rotation speed may be optionally designed when previous this was a embodiment not an example with set operational parameters

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

9. Claims 1, 2, 4, 5, 8 and 9 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 1 now states "a step of rotating said cylindrical basket-like washing tub in order to wash said laundry article in such a manner that buoyancy exerting from said inner surface of said cylindrical-basket like washing tub towards the center of the cylindrical basket..." The specification states in paragraph [0060] that the buoyancy corresponding to a volume of

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clothes and the density of the cleaning liquid and [0063] states that the wave like protrusions create a current when interacting with the wash fluid to keep the clothes from interacting with the wall of the basket to prevent damage to the clothes. The specification does not support that the inner surface of the basket exerts a buoyancy on the clothes. Further more claim 1 states "forcing said laundry article in said cylindrical basket-like washing tub to expand in said cleaning liquid..." There is no support in the original specification for forcing the laundry in the tub to expand in said cleaning liquid.

10. Claims 2, 4, 5, 8 and 9 are rejected since they depend off claim 1.

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2 and 5 rejected under 35 U.S.C. 102(b) as being anticipated by Eilersgaard (U.S. 2,591,143, hereafter `143).

12. Claim 1: `143 teaches a washing machine that has an outer casing (fig. 1 and 3, part 1) in which the cleaning liquid is contained (fig 3) and a cylindrical basket and central rotating shaft deposited in a horizontal direction (fig. 3 and 6, parts B, for basket, part 21, col. 3, lines 20-60) where the basket has protrusions extending at an inner surface along its axial direction and protruding from the inner surface of said cylindrical basket like surface towards the center of the basket (fig. 3 and 6, part 12b, col. 2, lines 20-50) where articles of clothes are placed within the basket (col. 2, lines 9-20) where the tub is filled with cleaning liquid (fig. 3) where the basket is

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rotated (col. 2, lines 9-20) where the inner surface ribs inherently that buoyancy exerted from the inner surface of said cylindrical basket toward the center of said cylindrical basket is generated by the protruding portions accompanied by rotation of said cylindrical basket, thereby forcing said laundry in the basket to expand in said cleaning liquid while keeping said laundry out of contact with the inner surface of the basket.

13. Claims 2 and 5: '143 teaches that the protruding portion provided at a constant interval on the inner surface of the basket has a wavy pattern along the circumferential cross section of the basket (fig. 3).

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 4, 8 and 9 rejected under 35 U.S.C. 103(a) as being unpatentable over Eilersgaard (U.S. 2,591,143) as applied to claim 1 above, further in view of Nagel (U.S. 3,866,731, hereafter '731).

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16. Claims 4 and 8: `143 does not teach the rotation of the basket is reversed and rotated intermittently. `731 is a washing machine. 731 teaches a wash cycle (col. 1, lines 10-20), the drum is rotated in one direction intermittently (col. 1, lines 10-20, states that the drum is reverses directions intermittently, thus operates in one direction intermittently) and a pressure change device (col. 3, lines 1-10, teaches uses of pumps and valves which changes the pressure of the liquid and the container) thus agitating the wash water and clothes. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have intermittently reverse the rotation of the drum as taught by `731 in apparatus `143 to have allowed the water and clothes to be agitated by the reversal of direction of the basket.

17. Claim 9: `731 teaches that washing machine commonly have valves and pumps to change the operation conditions of the cleaning liquid, for example pressure, flow rate, amount, etc... (col. 3, lines 1-10). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included pumps and valve as taught by `731 in apparatus `143 to change the operational parameters of the washing fluid.

Response to Arguments

18. Applicant's arguments filed December 24, 2008 have been fully considered but they are not persuasive.

19. Applicant's arguments are addressed by the above rejection.

Conclusion

20. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SAMUEL A. WALDBAUM whose telephone number is (571)270-1860. The examiner can normally be reached on M-TR 6:20-3:50, F 6:30-10:30 est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Cleveland can be reached on 571-272-1418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. A. W./
Examiner, Art Unit 1792

/FRANKIE L. STINSON/
Primary Examiner, Art Unit 1792